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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,503	09/24/1998	B. REILLY BARRY	COS-97-101	5202

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EXAMINER

SOUGH, HYUNG SUB

ART UNIT PAPER NUMBER

2161

DATE MAILED: 12/04/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/159,503

Applicant(s)

BARRY ET AL.

Examiner

Hyung S. Sough

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) 16-55 and 61-95 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 56-60 and 96 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 January 2001 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18, 22, 23
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Priority***

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

The statute requires that the applications claiming benefit of the earlier filing date under 35 U.S.C. 119(e) or 120 be filed by an inventor or inventors named in the previously filed application or provisional application. However, none of the inventors (i.e., Devine, Shoulberg, Shifrin, Pfister, Fenley, Suscheck, Delano, Kennington, Bradnt, Pillai, Schwarz, and Shamash) of the provisional application 60/060,655 claiming benefit of the earlier filing data under 35 U.S.C. 119(e) is named as an inventor/inventors (i.e., Barry, Chodoroneck, Derosé, Gonzales, James, Levy, and Tusa) of the instant applicataion.

***Election/Restriction***

2. Applicant's election with traverse of Species of Group I, claims 1-15, 56-60 and 96, in Paper No. 21 is acknowledged. The traversal is on the ground(s) that:

- (a) the newly added claim 96 is a linking claim;
- (b) the examination of claims in Group I requires a search in class 705 subclass 1;
- (c) the Examiner has not provided a materially different product beyond a materially different product claimed by applicant; and
- (d) the examination of all the claims does not present an inordinate amount of burden to the Examiner.

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However, These are not found persuasive because of the following reasons:

(a) contrary to applicant's assertion, the newly added claim 96 is not a linking claim, since claim 96 is corresponding to only claims 1-15 and 56-60. In arguendo, even if claim 96 is a linking claim, the reasons stated as infra, claim 96 is not allowable;

(b) the examination of claims in Group I may require a search in class 705 subclass 1. However, the examination of claims Group I does not require all the classes and subclasses that are required for the examination of Group II and the examination of claims Group II does not require all the classes and subclasses that are required for the examination of Group I.

(c) it is true that the Examiner has not provided a materially different product beyond a materially different product claimed by applicant. However, in MPEP 806.05(h), it is stated that:

“a product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown:  
(A) the process of using as claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process.”

Thus, there is not exclusion of a materially different product/process claimed by applicant for the purpose of the restriction requirement.

(d) contrary to applicant's assertion, the examination of all the claims presents a serious burden to the Examiner. More specifically, as evidenced by Information Disclosure Statement filed by Applicant, there are numerous references to be considered and, for the proper

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examination of all the claims, distinct inventions as identified in the last Office action (paper No. 19) have to be separately evaluated based on these references.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 4, 2001 have been disapproved by the Examiner because of the numerous informalities:

For examples,

- They are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "50" (page 41, line 13), "60a, 60b, 60c" (page 41, line 16).
- There is no Figure 7(a). See page 20, line 18.

**Applicant is advised to carefully review all the drawings for further needed corrections.**

### ***Specification***

4. The disclosure is objected to because of the numerous informalities:

For examples,

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- There is no Brief Description for Figures 23(c) -23(j), 25 (n).
- Page 33, line 13, ““cookie jar server’ 32” does not match with Figure 2, i.e., in Figure 2, “28” is used for “cookie jar server”.
- Page 34, lines 25-26, “Each Intranet application server of suite 30” does not match with page 30, line 18 (i.e., “the MCI Intranet Application servers 40,”). Likewise, see page 36, lines 28-31.
- Page 39, lines 22-23, the use of “( )” is not clear.
- Reference characters "14" (see FIG. 3) and "50" (see page 41, line 13) have both been used to designate “the Web browser”.

**Applicant is advised to carefully review the entire specification for further needed corrections.**

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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● Claim 1, line 35, “the communications network resources” does not have proper antecedent basis.

**Applicant is advised to carefully review all the claims for further needed corrections.**

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 13, 15, 56-60, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholl et al. (Scholl hereinafter: US PAT. 6,145,001).

Scholl discloses a system having an object oriented protocol (i.e., “a software application resident on a separate programmable device that communicates with Web server through the Internet”), at least one web server (3), at least one dispatch server (5), and a plurality of system resources (6) having a network manager (9). Scholl further discloses the network manager having the claimed functions (col. 9, lines 10-29). Scholl does not explicitly disclose that (a) the web server is a secure web server, (b) the protocol for enabling encrypted interactive communications, and (c) the secure web server for managing secure customer sessions. However, Scholl states security

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management of the system (col. 8, lines 30-33). Thus, it would have been obvious to one of ordinary skill in the art to employ (a) the secure web server, (b) the protocol for enabling encrypted interactive communications, and (c) the secure web server for managing secure customer sessions to enhance the security management of the system.

9. Claims 2-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholl in view of Burch ("AT&T, MCI to release new management tools", *Network World*, January 17, 1994, p. 19).

Scholl discloses the system as stated supra except for switched communications including switched voice traffic. However, Burch discloses the use of switched voice traffic for a new network management system. Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Scholl by adopting the teaching of Burch to improve the system of Scholl.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hyung S. Sough whose telephone number is (703) 308-0505. The Examiner can normally be reached Monday-Friday from 8:30 AM - 4:00 PM EST.

If attempts to reach the Examiner by telephone are unsuccessful, The Examiner's Supervisor, James P. Trammell, can be reached on (703) 305-9768.

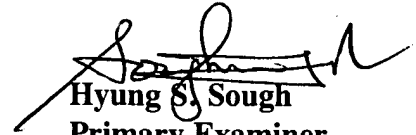
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900. The Group Fax numbers are (703) 746-7238 for After-final, (703) 746-7239 for Official, and (703) 746-7240 for Non-Official/Draft.



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Hyung S. Sough  
Primary Examiner  
Art Unit 2161

shs  
December 2, 2001